

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

**CRISTA and ANGEL DOUGHERTY,
individually and on behalf of all
others similarly situated,**

Plaintiffs,

v.

DREW UNIVERSITY,

Defendant.

Civ. No. 21-00249 (KM) (ESK)

ORDER

THIS MATTER having come before the Court on Defendant's motion (DE 6) to dismiss the complaint for failure to state a claim, pursuant to Fed. R. Civ. P. 12(b)(6); and the Court having considered the submissions of the parties (DE 6, 9, 15, 16); for the reasons stated in the accompanying Opinion, and good cause appearing therefor;

IT IS this 14th day of April 2021,

ORDERED that the motion to dismiss (DE 6) is **GRANTED IN PART** and **DENIED IN PART**, as follows:

1. Counts 1 and 2 are dismissed to the extent they seek tuition.
2. Counts 3 and 4 are dismissed.
3. The motion is otherwise denied.
4. The remaining claims are Counts 1 and 2 as they relate to fees only.

The dismissal is entered without prejudice to the filing, within 30 days, of a properly supported motion to amend the complaint, accompanied by a proposed amended complaint.

/s/ Kevin McNulty

Kevin McNulty
United States District Judge